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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the patent application of: )  
)  
Allen R. Brzoska )  
)  
Title: Notched Trowel ) Art Unit 3514  
)  
Serial No. 10/658,955 ) Examiner: Shay L. Balsis  
)  
Filed September 10, 2003 )

**AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated September 28, 2005, please amend the application as shown on the attached marked version of entire set of claims showing the current status and changes made.

**AFFIRMATION OF ELECTION**

The Applicant affirms the provisional election to prosecute the invention of claims 1 to 5 drawn to an apparatus.

**THE AMENDMENTS**

Claim 1 has been amended to include the recitation of claim 2. Claim 1 has also been amended to recite that the notched plate forms an angle of about 90 to 135 degree to the top plate (basis is page 4, lines 16 to 17); the width of the descending member is less than about one-half inch (basis is page 5, lines 23 to 24); the length of the descending member is about equal to the height of the notched plate (page 5, lines 2 to 4); and the descending member is rigid and non-pivoting (Figs. 1 to 9).